

IN RE: PETITION FOR SPECIAL HEARING
S/S Edmondson Avenue, 50' +/-
W of the c/l of August Avenue
(803 Edmondson Avenue)
1st Election District
1st Councilmanic District
Earle Crane, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-23-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the owners of the subject property, Earle and Connie Crane. The Petitioners request approval of the three apartments existing on the subject property as a legal nonconforming use, in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Earle and Connie Crane, property owners. Also appearing on behalf of the Petitioners was Nicholas Comadari, a zoning consultant. There were no Protestants present.

Testimony indicated that the subject property, known as 803 Edmondson Avenue, consists of 7500 sq.ft. zoned D.R. 5.5 and is improved with a two-story dwelling containing three apartments. The Petitioners were advised to file the instant Petition as a result of a complaint received by the Zoning Administration Office as to the use of the property as three apartments.

Mr. Crane testified that the subject building was constructed as three apartments in 1938. He stated that he resided in the basement of the building for approximately 25 years, even after he was married, until approximately 1963 upon completion of their new home in Sykesville where they still reside. The uncontradicted testimony offered by Mr. Crane and the many letters of support and affidavits submitted by various community

residents, all of which were entered into evidence as Petitioner's Exhibits, demonstrate that the subject property has been used continuously and without interruption as three apartments since the late 1930s.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the year in which a change in the zoning regulations caused the use of the property to become illegal. The controlling year in this case is 1945, the year in which the zoning regulations were established.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A2d. 96 (1978).

When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;

(b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;

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(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

McKemy v. Baltimore County, Md., Supra.

After due consideration of the testimony and evidence presented, it is clear that the subject property has been used continuously and without interruption as three apartments since 1938, and as such, enjoys a legal nonconforming use.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 19th day of August, 1993 that the Petition for Special Hearing to approve the three apartments existing on the subject property as a legal nonconforming use, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted shall be rescinded.

2) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint. Further, the Petitioners shall maintain complete and accurate records identifying the tenants of each apartment and the terms and conditions of each lease agreement for review and inspection upon request.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO

- 3 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

August 19, 1993

(410) 887-4386

Mr. & Mrs. Earle Crane
1150 Underwood Road
Sykesville, Maryland 21784

RE: PETITION FOR SPECIAL HEARING
S/S Edmondson Avenue, 50' +/- W of the c/l of August Avenue
(803 Edmondson Avenue)
1st Election District - 1st Councilmanic District
Earle Crane, et ux - Petitioners
Case No. 94-23-SPH

Dear Mr. & Mrs. Crane:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Nicholas Comadari
3410 Woodstock Avenue, Baltimore, Md. 21213

People's Counsel

File



Printed on Recycled Paper



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County
for the property located at 803 Edmondson Ave
which is presently zoned D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

the existing 3 apartments
on the subject property as a legal nonconforming use.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessee
EARLE & CONNIE CRANE
Type or Print Name
Earle & Connie Crane
Signature
1150 Underwood Rd
Address
Sykesville Md 21784
City State Zip

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.)
Legal Owner(s)
EARLE CRANE
Type or Print Name
Earle Crane
Signature
CONNIE CRANE
Type or Print Name
Connie Crane
Signature

Attorney for Petitioner
Nicholas Comadari
Type or Print Name
3410 Woodstock Ave
Address
Baltimore Md 21213
City State Zip
Phone No. 21213-6811

803 Edmondson Ave
Address
Towson Md 21229
City State Zip
Name, Address and phone number of legal owner, contact purchaser or representative as so contacted
Nicholas Comadari
Name
3410 Woodstock Ave, 21213 235-6811
Address
OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for hearing
The following date
ALL OTHER
REVIEWED BY: DATE

DESCRIPTION

Located on the south side of Edmondson Avenue (abutting a service drive) approximately 50' west of August Avenue and known as lots 31A and 31B as shown on the Plat of Homewood, which plat is recorded in the land records of Baltimore County in book page 56. Also known as 803 Edmondson Avenue and containing approximately 7500 square feet.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 94-23-SPH
Towson, Maryland

District 1st Date of Posting 7/28/93
Posted for: Special Hearing
Petitioner: Earle & Connie Crane
Location of property: 803 Edmondson Ave, City, St. & August Ave
Location of Sign: Large sign on property of Petitioner
Remarks: None
Posted by: Timothy M. Kotroco Date of return: 7/29/93
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. July 29, 1993

THIS IS TO CERTIFY, that the enclosed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 29, 1993.

THE JEFFERSONIAN,

A. Henickson
LEGAL AD. - TOWSON

Item # 24

receipt

Baltimore County
Zoning Administration &
Development Management
311 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6190

Number JCM

Date 7-14-93

CONNIE CRANE - 803 EDMONDSON AVE.

SPH - (040) 250.00
POSTING - (080) 35.00
285.00

03A034028341CHRC

Please Make Checks Payable To: Baltimore County

\$285.00

Cashier Validation

ORDER RECEIVED FOR FILING
Date 8/19/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 8/19/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 8/19/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 8/19/93
By [Signature]



111 West Chesapeake Avenue
Towson, MD 21204
JUL 27 1993 (410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-23-SPH (Item 24)
803 Edmondson Avenue
S/8 Edmondson Avenue, 50' x 100' M of O/A August Avenue
1st Election District - 1st Councilmanic
Petitioner(s): Earle Crane and Connie Crane
HEARING: WEDNESDAY, AUGUST 18, 1993 at 2:00 p.m. in Rm. 118, Old Courthouse.

Special Hearing to approve the existing three apartments as a legal nonconforming use.

Arnold Jablon

Arnold Jablon
Director

cc: Earle and Connie Crane
Nicholas Commodari

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



111 West Chesapeake Avenue
Towson, MD 21204
August 9, 1993 (410) 887-3353

Mr. and Mrs. Earle Crane
803 Edmondson Avenue
Catonsville, Maryland 21228

RE: Case No. 94-23-SPH, Item No. 24
Petitioner: Earle Crane, et ux
Petition for Special Hearing

Dear Mr. and Mrs. Crane:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on July 14, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 2, 1993
Zoning Administration and Development Management

FROM: Robert W. Bowling, Senior Engineer
Development Plan Review

RE: Zoning Advisory Committee Meeting
for August 2, 1993
Item No. 24

The Development Plan Review Section has reviewed the subject zoning item. We recommend that adequate onsite parking spaces be provided.

RWB:u



Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 94-23-SPH

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: July 29, 1993
Zoning Administration and
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 9, 11, 12, 18, 19, 21, 24, 25, 26, 29, 32, 33, 34, 37 and 39.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey M. Long*

Division Chief: *Carol L. Kline*

PK/JL:lw

ZAC/9/ZAC1

August 11, 1993

9 Somerset Rd.
Catonsville, MD 21228

To whom it may concern:

This letter is being written to verify the fact that the houses sitting on 803 and 805 Edmondson Avenue, Catonsville, Md. have always been my knowledge three apartments each.

I have lived in the neighborhood since the 1940's. I grew up across the street at 736 Edmondson Ave. I now live only several blocks away. When I moved to the neighborhood as a young child, Earl Crane lived at 803 Edmondson Ave. Being the same age as myself, I was in his house quite often with other children in the neighborhood. It was always three apartments. In fact after he was married he lived in the 2nd floor apartment for several years.

The house at 805 was built as three apartments in the early fifties by a family with the name of Clarke.

These apartments have never been any problem. I have never in all these years ever heard anyone complain about them. I ride by them two times a day, back and forth from work. From the outside they have always been well kept and used in appearance.

Sincerely,
Earle E. Crane

Plat to accompany Petition for Zoning ☐ Variance ☒ Special Hearing

PROPERTY ADDRESS: 803 EDMONDSON AVE. See pages 2 & 3 of the CHECKLIST for additional required information

Subdivision name: HOMERWOOD

Plot book: 8, Volume 55, Page 31A

OWNER: EARLE & CONNIE CRANE

94-23-SPH

EDMONDSON AVE.

Service Drive

August Ave.

North arrow pointing up.

Scale of Drawing: 1" = 30'

Prepared by: NBC

DATE: 8/11/93

LOCATION INFORMATION

Section: 1st

County: 1st

1"=300' scale map: SW 2-F

Zone: DR-5

Lot area: 17 square feet

Checklist: ☒ SECTION 1, ☒ SECTION 2, ☒ SECTION 3, ☒ SECTION 4, ☒ SECTION 5, ☒ SECTION 6, ☒ SECTION 7, ☒ SECTION 8, ☒ SECTION 9, ☒ SECTION 10, ☒ SECTION 11, ☒ SECTION 12, ☒ SECTION 13, ☒ SECTION 14, ☒ SECTION 15, ☒ SECTION 16, ☒ SECTION 17, ☒ SECTION 18, ☒ SECTION 19, ☒ SECTION 20, ☒ SECTION 21, ☒ SECTION 22, ☒ SECTION 23, ☒ SECTION 24, ☒ SECTION 25, ☒ SECTION 26, ☒ SECTION 27, ☒ SECTION 28, ☒ SECTION 29, ☒ SECTION 30, ☒ SECTION 31, ☒ SECTION 32, ☒ SECTION 33, ☒ SECTION 34, ☒ SECTION 35, ☒ SECTION 36, ☒ SECTION 37, ☒ SECTION 38, ☒ SECTION 39, ☒ SECTION 40, ☒ SECTION 41, ☒ SECTION 42, ☒ SECTION 43, ☒ SECTION 44, ☒ SECTION 45, ☒ SECTION 46, ☒ SECTION 47, ☒ SECTION 48, ☒ SECTION 49, ☒ SECTION 50, ☒ SECTION 51, ☒ SECTION 52, ☒ SECTION 53, ☒ SECTION 54, ☒ SECTION 55, ☒ SECTION 56, ☒ SECTION 57, ☒ SECTION 58, ☒ SECTION 59, ☒ SECTION 60, ☒ SECTION 61, ☒ SECTION 62, ☒ SECTION 63, ☒ SECTION 64, ☒ SECTION 65, ☒ SECTION 66, ☒ SECTION 67, ☒ SECTION 68, ☒ SECTION 69, ☒ SECTION 70, ☒ SECTION 71, ☒ SECTION 72, ☒ SECTION 73, ☒ SECTION 74, ☒ SECTION 75, ☒ SECTION 76, ☒ SECTION 77, ☒ SECTION 78, ☒ SECTION 79, ☒ SECTION 80, ☒ SECTION 81, ☒ SECTION 82, ☒ SECTION 83, ☒ SECTION 84, ☒ SECTION 85, ☒ SECTION 86, ☒ SECTION 87, ☒ SECTION 88, ☒ SECTION 89, ☒ SECTION 90, ☒ SECTION 91, ☒ SECTION 92, ☒ SECTION 93, ☒ SECTION 94, ☒ SECTION 95, ☒ SECTION 96, ☒ SECTION 97, ☒ SECTION 98, ☒ SECTION 99, ☒ SECTION 100.

Zoning Office USE ONLY:

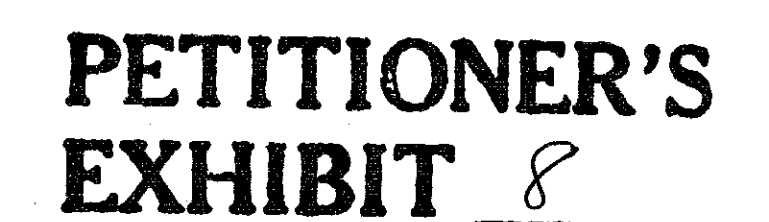
Reviewed by: ITEM 21 QASB

PETITIONER'S
EXHIBIT 2

To whom it may concern

MY NAME IS EARLE E. CRANE
I WAS BORN FEBRUARY 12, 1938. MY
MOTHER & FATHER WERE LIVING IN
AN APARTMENT AT 2 AUGUST AVE.
IN CATONSVILLE. A NEW HOUSE WAS
BEING BUILT AT 803 EDMONDSON AVE.
WHOSE LOT BACKED UP TO 2 AUGUST AVE.
MY PARENTS BOUGHT THAT HOUSE. WE
MOVED INTO IT IN OCTOBER, 1938. MY
MOTHER & FATHER HAD TO RENT THE 1ST
& 2ND FLOORS IN ORDER TO PAY THE
MORTGAGE. WE LIVED IN THE BASEMENT.
A DRUG-STORE HIS WIFE LIVED ON THE
2ND FLOOR SEE (LETTER). I CAN'T REMEMBER
WHO LIVED ON THE 1ST FLOOR. IN TIME
MY GRANDMOTHER AND AUNT MOVED INTO
THE 1ST FLOOR. MY AUNT PAYING THE RENT.
MY GRANDMOTHER DIED WHEN I WAS
ABOUT 10 AND MY AUNT GOT MARRIED. WE
MOVED UP TO THE FIRST FLOOR AND
RENTED THE BASEMENT. THE 2ND FLOOR
WAS RENTED. IN 1952 THE HOUSE NEXT
TO US (805) WAS BUILT.

Earle E. Crane



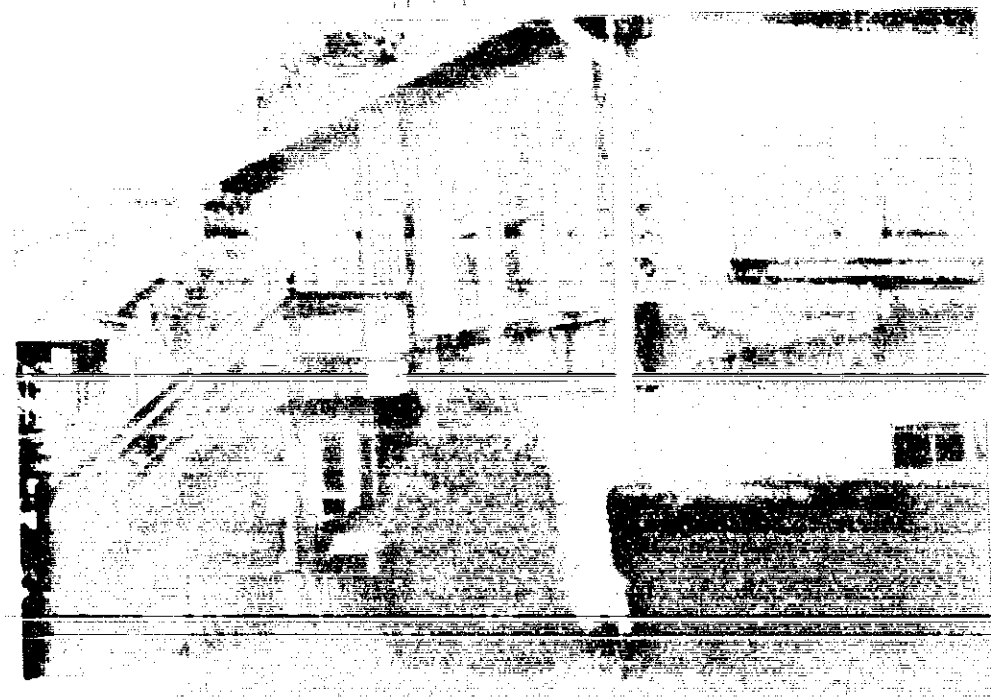
11113 ACROSS STREET



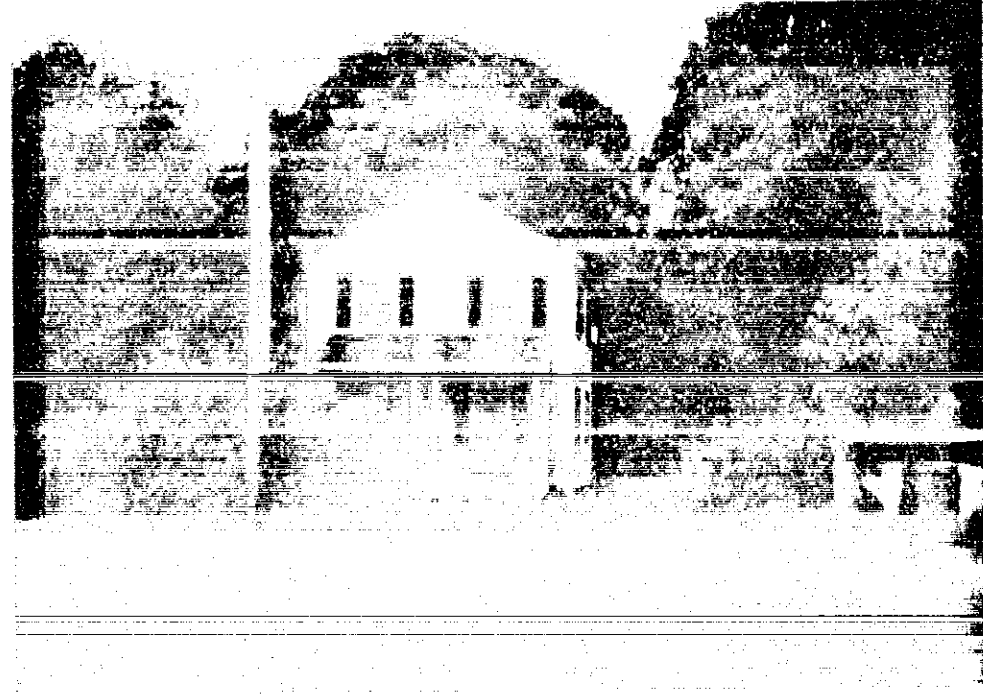
Mailman Delivers mail to
9 Different People in This House



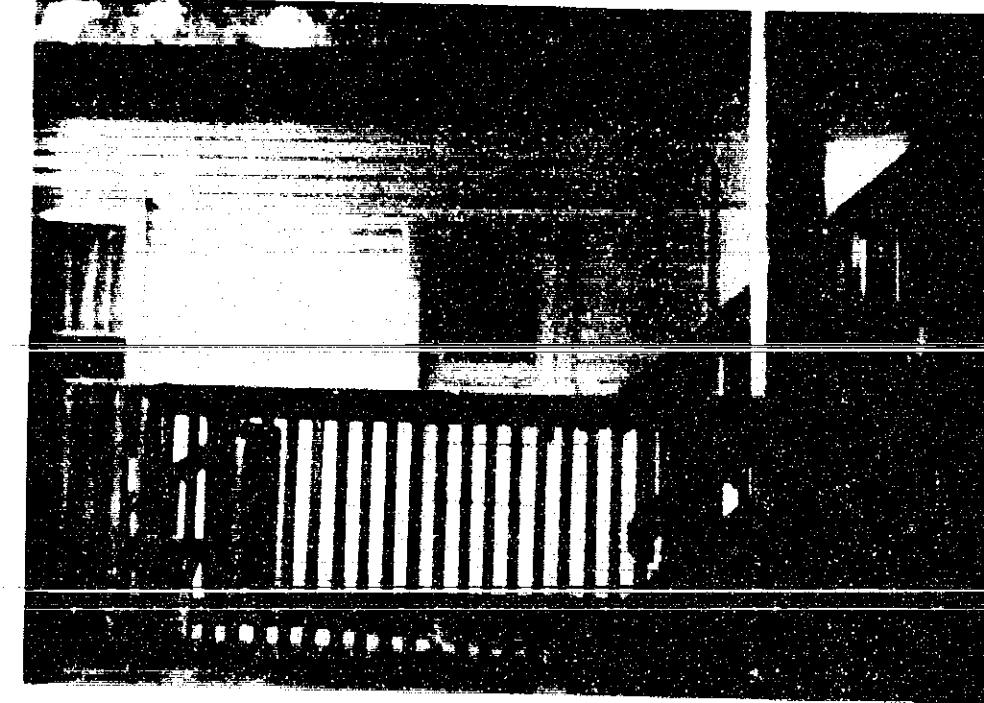
APTS



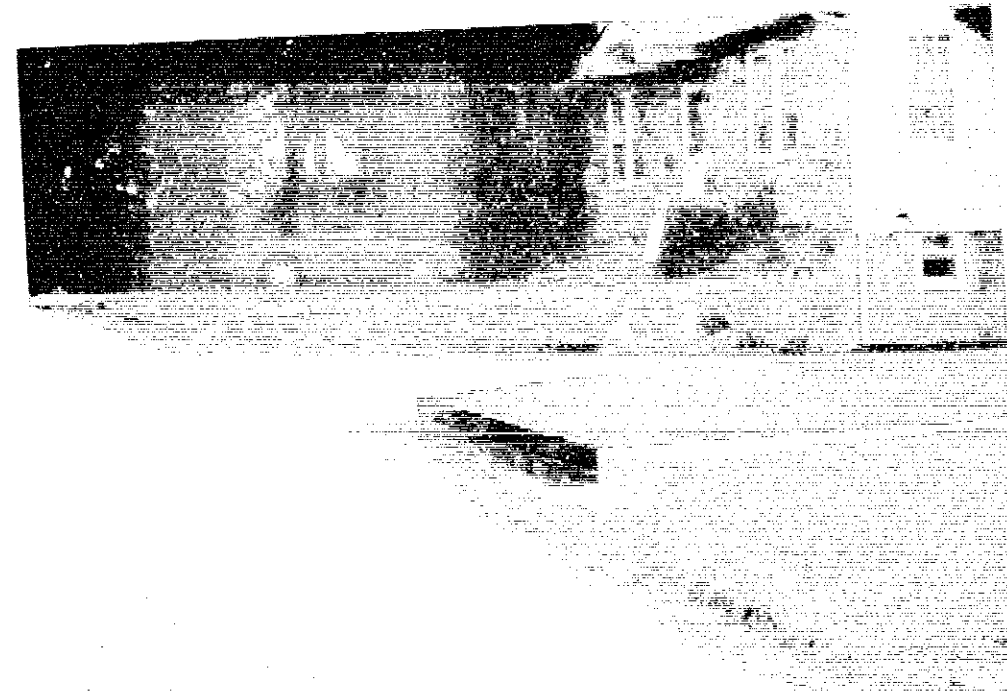
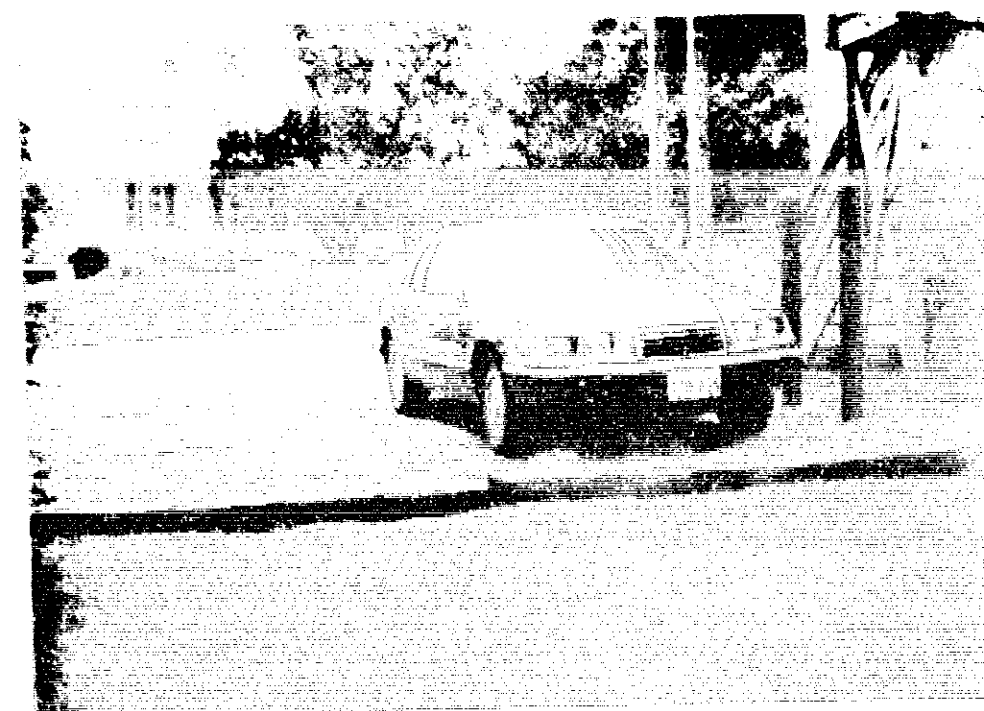
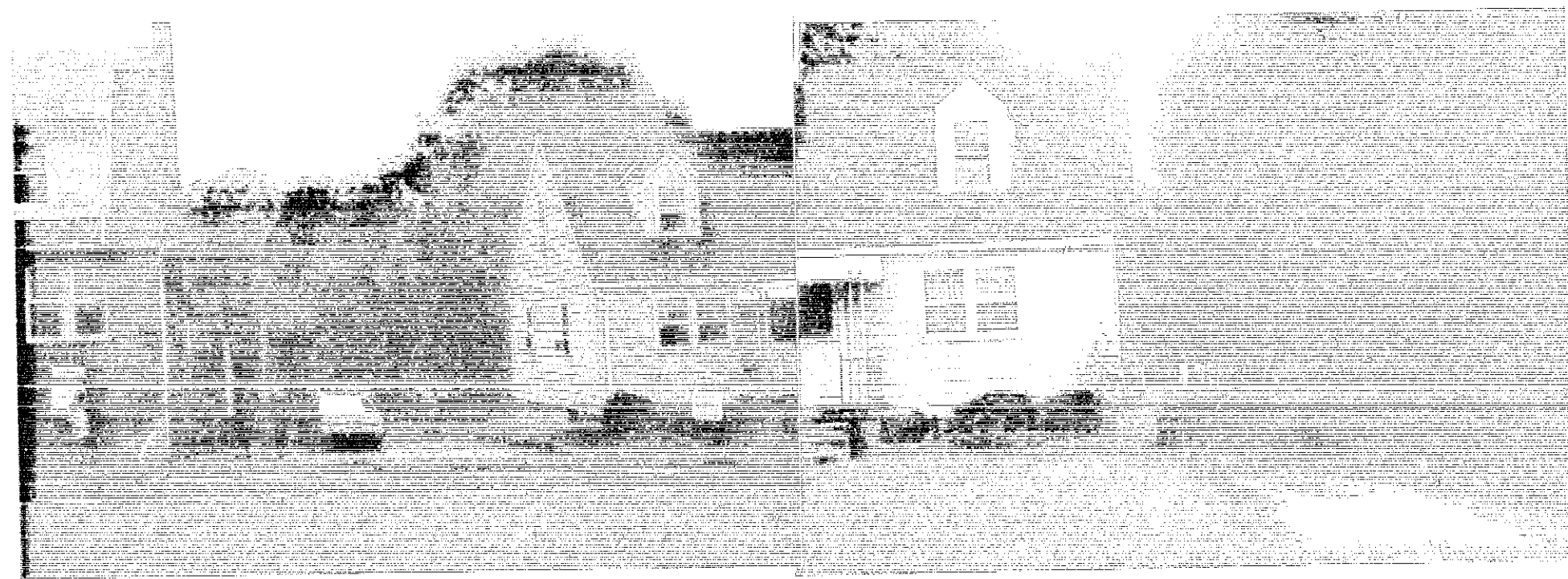
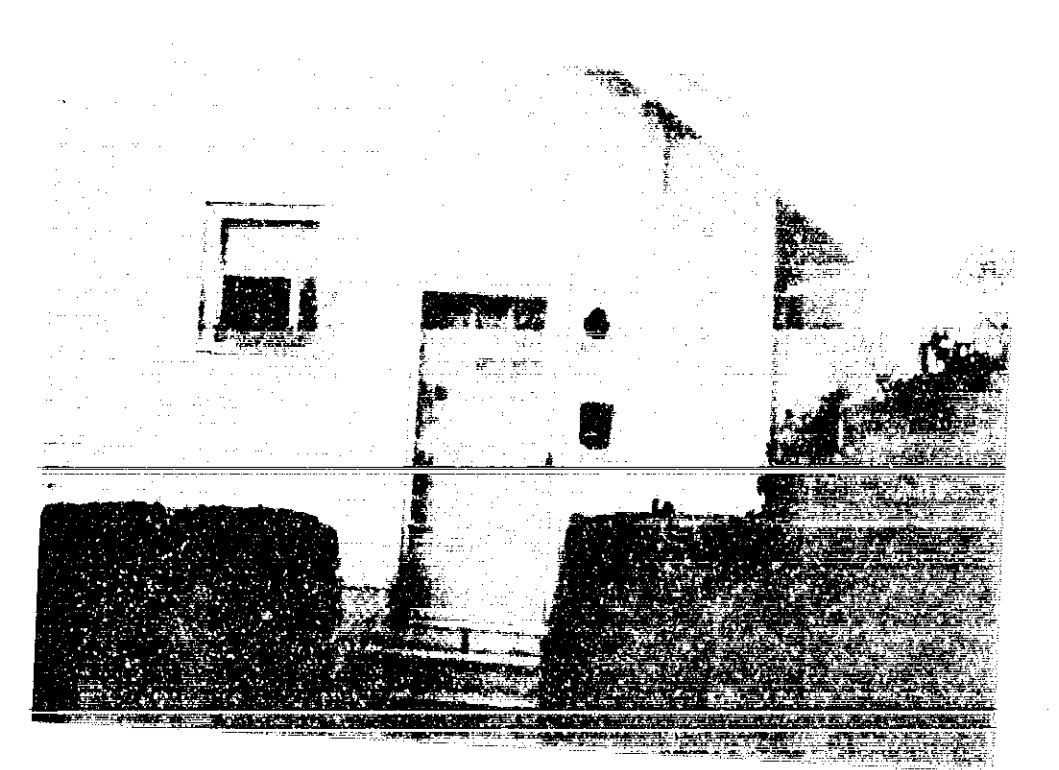
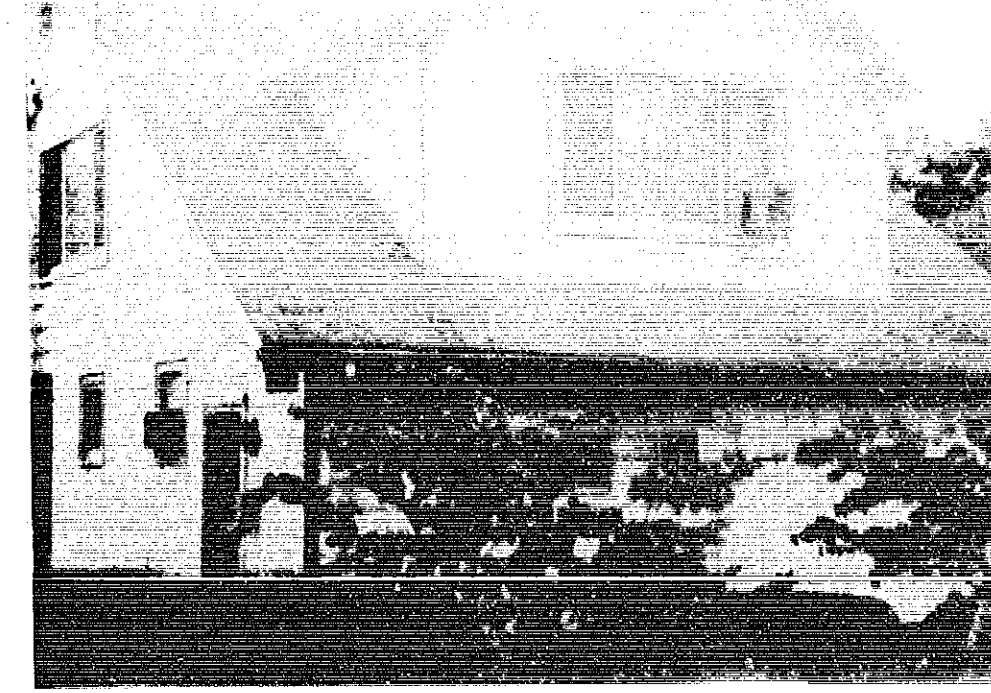
APTS across this



8 APTS. ACROSS STREET
next to Funeral Home



4 APTS DOWN STREET



next door 809 APTS



9 College Students
live here

8 APTS

